

ORDINANCE NUMBER O- 20238 (NEW SERIES)DATE OF FINAL PASSAGE JAN 23 2013

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 6,
DIVISION 19 OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTION 26.1902 RELATING TO MEMBERSHIP
AND QUORUM REQUIREMENTS FOR THE COMMISSION
ON GANG PREVENTION AND INTERVENTION.

WHEREAS, the San Diego Commission on Gang Prevention and Intervention (CGPI) is
an advisory body to the Mayor and City Council on policy issues relating to gang prevention and
intervention; and

WHEREAS, the CGPI consists of mayoral appointments drawn from lists of
councilmember nominees, mayoral appointments with certain expertise or background, and
certain officeholders; and

WHEREAS, the number of council members increases from eight to nine in December
2012; and

WHEREAS, the office holder position for the State of California Department of
Corrections, Division of Adult Parole Operations is no longer feasible or warranted because of
Assembly Bill 109, also known as "realignment," in that most adult gang members released into
the community will now be supervised by the Probation Department and not Parole Operations;
and

WHEREAS, the Superintendent of the County Office of Education desires to remain a
resource for the Commission, but not necessarily as a Commissioner; and

WHEREAS, the Commission's experience is that the issues related to City schools are more appropriately addressed to the San Diego Unified School District Superintendent; and

WHEREAS, the President of the Workforce Partnership has routinely been appointed as the representative of the Workforce Partnership; and

WHEREAS, the CEO of the San Diego Association of Governments (SANDAG) has routinely been appointed as the representative of SANDAG; and

WHEREAS, both the SANDAG participation and the Workforce Partnership participation has been of vital importance to the work of the CGPI; and

WHEREAS, the CGPI will have a total of 20 members, if these amendments pass; and

WHEREAS, due to various categories of appointments, there can be extended periods of time where there are unfilled vacancies; and

WHEREAS, these unfilled vacancies make it very difficult to gather a quorum using the ordinary definition of a quorum as a majority of the membership; and

WHEREAS, under these unique circumstances, the City Council finds that it is in the interest of the City to allow the CGPI to meet and conduct business when a majority of the filled positions are present at a meeting; and

WHEREAS, minor word changes are needed to update section 26.1902; NOW,
THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 2, Article 6, Division 19 of the San Diego Municipal Code is amended by amending section 26.1902, to read as follows:

§26.1901 Purpose and Intent

[No change in text.]

§26.1902 Commission on Gang Prevention and Intervention Established

- (a) There is hereby created a Commission on Gang Prevention and Intervention to consist of twenty members, who shall serve without compensation. The members shall be appointed by the Mayor and confirmed by the City Council. Commission members shall be residents of the City of San Diego unless a conscious exception is determined per Council Policy 000-13. The residency requirement does not apply to the officeholders described in subsection (c).
- (b) In making the appointments, the Mayor shall appoint nine members, one each from a list of at least two nominations submitted by each Councilmember to represent his or her district. Additionally, the Mayor shall appoint one member from a community organization working on gang issues; one member from the field of public health; one member from the field of social services; and one member who shall be a reformed ex-gang member. Vacancies shall be filled in the same manner.
- (c) The following officeholders shall be members of the Commission and no appointment is required:
 - (1) The Chief of Police for the City of San Diego
 - (2) San Diego Unified School District, Superintendent
 - (3) The San Diego County Sheriff

- (4) The San Diego County District Attorney
 - (5) The San Diego County Chief of Probation
 - (6) The Executive Director of the San Diego Association of Governments, also known as SANDAG
 - (7) The President of the San Diego Workforce Partnership
- (d) Except for officeholders, members shall serve two year terms, and each member shall serve until a successor is duly appointed and confirmed. No member shall serve more than two consecutive terms. Initial members shall be appointed such that the terms of not more than a majority of the members shall expire in any year so as to allow the Commission to be staggered. Initial appointments which are less than the full term of two years will be allowed to serve two full terms. The expiration date of all terms shall be July 1. Any vacancy shall be filled for the remainder of the unexpired term. Vacancy appointment recommendations will come from the original recommending body. Any vacancy replacements will be eligible to serve the remaining term of the vacant position and two full terms.
- (e) The officeholder, not his or her designee, is expected to attend the Commission meetings, except for emergencies. In cases of emergency, the officeholder is expected to send a representative. The representative shall not deliberate or vote on any matter before the Commission, and the representative does not count in determining whether a quorum is present.

- (f) During July of each year, the Mayor may designate one member as Chairperson; however, in the absence of such designation, the Commission shall on or after August 15, select a Chairperson from among its members.
- (g) A quorum is a majority of filled positions, not a majority of the membership, (unless all positions are filled).
- (h) The Commission may adopt rules consistent with the law for the governing of its business and procedures.
- (i) The position of Executive Director of the Commission is hereby established and shall be appointed by the Mayor. The Director shall be a management assistant to the Mayor. The Mayor shall provide appropriate staff support from departments directly involved in gang-related matters.

§26.1903 Duties and Functions

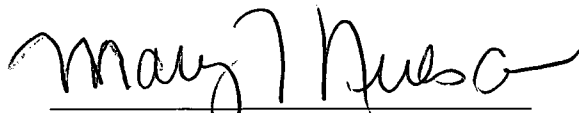
[No change in text.]

Section 2. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

A handwritten signature in cursive script, appearing to read "Mary T. Nuesca", written over a horizontal line.

Mary T. Nuesca
Deputy City Attorney

MTN:amt
11/19/2012
Or.Dept:District 4

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JAN 8 2013

ELIZABETH S. MALAND

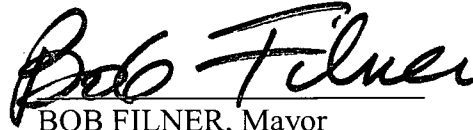
City Clerk

By 

Deputy City Clerk

Approved: 1/20/13

(date)


BOB FILNER, Mayor

Vetoed: _____

(date)

BOB FILNER, Mayor